

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**\* DOCKET NO. 2:11-CR-250**

**v.**

**\* SECTION: "I"**

**ZERAFIN LOPEZ-ALLELA**

**\***

**a/k/a Serafin Lopez**

**a/k/a Serafin Lopez-Allela**

**\***

**a/k/a Serafin Lopez-Ayala**

**a/k/a Eduardo Alfredo Garcia**

**\***

**a/k/a Clemente Soto-Fonseca**

**a/k/a Juaquin Fonseca-Cardena**

**\***

**a/k/a Andres Quintero-Soto**

**a/k/a Porfirio Cardena-Fonseca**

**\***

**a/k/a Felo Luna-Ayala**

**a/k/a Juan Lopez-Benites**

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**a/k/a Jose Jesus Macias-Clemente**

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**\* \* \***

**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **ZERAFIN LOPEZ-ALLELA** (hereinafter "**LOPEZ**") has agreed to plead

guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the “agent”) would testify that on or about September 18, 2011, he encountered the defendant, **LOPEZ**, during an Immigration and Customs Enforcement (hereinafter “ICE”) operation in Jefferson Parish, within the Eastern District of Louisiana, whereby ICE agents were assisting the Jefferson Parish Sheriff’s Office. Upon determining the defendant was illegally in the United States, the defendant was detained and arrested by an Immigration and Customs Enforcement (hereinafter “ICE”) agent.

An ICE agent would testify that **LOPEZ** was transported to the ICE New Orleans Field office for administrative processing. The defendant’s fingerprints were taken and ran through ICE databases, which confirmed that the defendant was illegally present in the United States and had previously been removed to Mexico.

Documentation from the records of ICE, contained in the defendant’s Alien file, including a Warrant of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **LOPEZ**, was removed from the United States to Mexico on or about January 24, 2006, at or near El Paso, Texas. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management

System would show that the defendant, **LOPEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further documents, court records, and other admissible evidence would show that on or about June 29, 2005, in the Seventh Judicial District Court of Bonneville County, Idaho, the defendant, **LOPEZ**, was convicted of forgery and sentenced to a term of imprisonment of at least one year.

ROBERT WEIR  
Special Assistant United States Attorney

Date

ZERAFIN LOPEZ-ALLELA  
Defendant

Date

SAMUEL SCILLITANI  
Attorney for Defendant

Date